

REMARKS

Claims 1-18 are pending in the captioned application. In the outstanding Official Action, the Examiner has required restriction of claims 1-18 to one of following inventions under 35 U.S.C. §121:

- Group I: Claim(s) 1-4 and 16, drawn to a method for preparing a uniformly aligned zeolite.
- Group II: Claim(s) 5 and 7-15, drawn to a method for preparing a uniformly aligned polymer film.
- Group III: Claim(s) 6, drawn to a method for preparing a uniformly aligned three-dimensional polymer mass.
- Group IV: Claim(s) 17 and 18, drawn to a uniformly aligned zeolite.

PROVISIONAL ELECTION

Applicants provisionally elect Group I of claims 1-4 and 16, with traverse, which is drawn to a method for preparing a uniformly aligned zeolite supercrystal, which comprises growing a crystal of a zeolite or zeotype material in a uniformly aligned template, whereby said uniformly aligned zeolite supercrystal is prepared.

Applicants reserve the right to file a divisional application directed to the non-elected subject matter.

TRAVERSAL

Applicants respectfully traverse this restriction requirement because Groups I-IV share a **special technical feature** under PCT Rule 13.2, and thus, all of the presently pending claims possess unity of invention. Accordingly, restriction is improper.

PCT Rule 13.2 states the following, in relevant part:

"[T]he requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression 'special technical features' shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art."

In the present application, the special technical feature that is shared between Groups I-IV is a "uniformly aligned template" wherein crystals of a zeolite or zeotype material grow to produce a uniformly aligned zeolite supercrystal. Such a special technical feature of the present invention is novel and contributes to the prior art as a whole. In this regard, as clearly described in the specification, the present inventors have found that crystals of a zeolite or a zeotype material are grown in a uniformly aligned template and produce a uniformly aligned zeolite supercrystal. As also described in the specification, the "uniformly aligned template", in a preferred embodiment of the present subject matter, is a polymer film or a three-dimensional polymer mass as recited in claims 5 and 6.

In view of the foregoing, Applicants respectfully submit that the claims of Groups I-IV, particularly at least the claims of Groups I-III, possess "unity of invention" because they share a special technical feature as required by PCT Rule 13.2. Thus, restriction of the claims of Groups I-IV is improper.

In addition, Applicants submit that the claims of Groups I-IV should be examined together because, in addition to being improper on the basis of unity of invention, the restriction requirement omits "an appropriate explanation" as to the existence of a "serious burden" if a restriction were not required between the claims. Restriction/election between two groups of claims is only proper when (1) one group of

claims is independent or distinct from another group of claims **and** (2) a “serious burden” exists on the examiner in examining both groups of claims. See MPEP § 803. A complete and thorough search for the inventions set forth in the Official Action would be coextensive. Thus, it would **not** be a **serious** burden upon the Examiner to examine all of the claims in this application.

Furthermore, Applicants have paid a filing fee for an examination of all the claims in this application. If the Examiner refuses to examine the claims paid for when filing this application and persists in requiring Applicants to file divisional applications for each of the groups of claims, the Examiner would essentially be forcing Applicants to pay duplicative fees for the non-elected or withdrawn claims, inasmuch as the original filing fees for the claims (which would be later prosecuted in divisional applications) are not refundable.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw this restriction requirement.

CONCLUSION

In view of the foregoing, it is submitted that the Restriction Requirement is improper. Accordingly, the Examiner is respectfully requested to withdraw the requirement, and to examine all of the claims, namely claims 1-18, on the merits.

Applicants submit that the application is in condition for substantive examination. The Examiner is invited to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

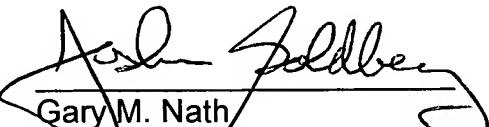
In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,

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